

EXHIBIT

5



**UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/118,199	10/23/87	LIP	E-8371

ROBERT L. O'TOOLE ET AL.
100 FIRST NATIONAL PLAZA, SUITE 1100
CHICAGO, IL 60603

EXAMINER	
TANENHOLTZ	
ART UNIT	PAPER NUMBER
184	16

DATE MAILED: 12 09 88

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents.

All claims are allowable. However, due to a potential interference, ex parte prosecution is SUSPENDED FOR A PERIOD OF UP TO SIX MONTHS FROM THE DATE OF THIS LETTER.

Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication should be directed to Alvin E. Tanenholtz at telephone number 703-557-0664.

Tanenholtz: def
12-2-88

ALVIN E. TANENHOLTZ
PRIMARY EXAMINER
ART UNIT 184

308



UNITED STATES DEPARTMENT OF COMMERCE
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DATE MAILED:

NOTICE OF ALLOWABILITY

PART I.

1. This communication is responsive to Response filed 9/27/88
2. All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) ~~CLOSED~~ ^{TERMINATED} in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
3. The allowed claims are 65-69
4. The drawings filed on _____ are acceptable.
5. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has [] been received. [] not been received. [] been filed in parent application Serial No. _____, filed on _____
6. Note the attached Examiner's Amendment.
7. Note the attached Examiner Interview Summary Record, PTOL-413.
8. Note the attached Examiner's Statement of Reasons for Allowance.
9. Note the attached NOTICE OF REFERENCES CITED, PTO-892.
10. Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

1. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
2. APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
 - a. Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached hereto or to Paper No. _____. CORRECTION IS REQUIRED.
 - b. The proposed drawing correction filed on _____ has been approved by the examiner. CORRECTION IS REQUIRED.
 - c. Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
 - d. Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

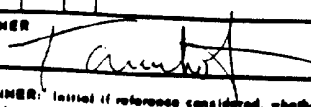
Attachments:

- Examiner's Amendment
- Examiner Interview Summary Record, PTOL-413
- Reasons for Allowance
- Notice of References Cited, PTO-892
- Information Disclosure Citation, PTO-1449
- Notice of Informal Application, PTO-152
- Notice re Patent Drawings, PTO-948
- Listing of Bonded Draftsmen
- Other

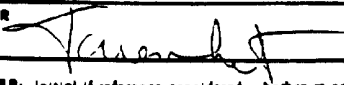
AM 27 015278

Alvin E. Tanenholz
 ALVIN E. TANENHOLTZ
 PRIMARY EXAMINER
 ART UNIT 184

FORM PTO-1449 REV. 7-88		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. D-8272	SERIAL NO. 113,179
LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)				APPLICANT FU-KUEN LIN	
				FILING DATE October 23, 1987	GROUP 184
OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)					
M	X-1	Bos et al., pages 125-130, in <u>Proc.Symp.Mol.Biol.Negat., Strand Viruses Meeting, 1983</u> , Compans, et al., eds. Acad. Press (1984)			
M	X-2	Colby et al., <u>J.Immunol.</u> , <u>133(6)</u> , 3091-3095 (1984)			
M	X-3	Davis et al., <u>Proc.Natl.Acad.Sci.(USA)</u> , <u>80</u> , 3976-3980 (1983)			
M	X-4	Devos et al., <u>J.Interferon Research</u> , <u>4</u> , 461-468 (1984)			
M	X-5	Fan et al., <u>Proc.Natl.Acad.Sci.(USA)</u> , <u>80</u> , 5965-5969 (1983)			
M	X-6	Fiers et al., <u>Phil.Trans.R.Soc.Lond.</u> , <u>B299</u> , 29-38 (1982)			
M	X-7	Fischinger et al., <u>Proc.Natl.Acad.Sci.(USA)</u> , <u>78</u> , 1920-1924 (1981)			
M	X-8	Garoff et al., <u>J.Cell.Biol.</u> , <u>97</u> , 652-658 (1983)			
M	X-9	Gething et al., pages 263-268 in <u>Modern Approaches To Vaccines</u> , Chanock et al., eds. Cold Spring Harbor Lab (1984)			
M	X-10	Gough et al., <u>Nature</u> , <u>309</u> , 763-767 (1984)			
M	X-11	Hartman et al., <u>Proc.Natl.Acad.Sci.(USA)</u> , <u>79</u> , 233-237 (1982)			
M	X-12	Haynes et al., <u>Nucleic Acids Res.</u> , <u>11(3)</u> , 587-706 (1983)			
M	X-13	Haynes et al., pages 111-129 in <u>Humoral Factors in Host Defense</u> , Yamamura et al., eds. Acad. Press (1983)			
M	X-14	Kenter et al., <u>J.Cell Biol.</u> , <u>98</u> , 2215-2221 (1984)			
M	X-15	Kieny et al., <u>Nature</u> , <u>312</u> , 163-166 (1984)			
EXAMINER		DATE CONSIDERED		525	
K. K. K.		10/29/88			
* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 600; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

FORM PTO-140 (REV. 1-80)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. D-8272	SERIAL NO. 113,179
LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)				APPLICANT FU-KUEN LIN	
				FILING DATE October 23, 1987	GROUP 184
OTHER PRIOR ART (including Author, Title, Date, Partinent Pages Etc.)					
W	X-16	Kondor-Koch et al., <u>J.Cell. Biol.</u> , 97, 644-651 (1983)			
W	X-17	Konrad, <u>Ann.N.Y.Acad.Sci.</u> , 413, 12-22 (1983)			
W	X-18	Kuhn et al., <u>Cell</u> , 37, 95-103 (1984)			
W	X-19	Lasky et al., pages 189-194 in <u>Modern Approaches To Vaccines</u> , Chanock et al., eds. Cold Spring Harbor Lab. (1984)			
W	X-20	Laub et al., <u>J.Virol.</u> , 48(1), 271-280 (1983)			
W	X-21	Markoff et al., <u>Mol. & Cell.Biol.</u> , 4(1), 8-16 (1984)			
W	X-22	McCormick et al., <u>Mol. & Cell.Biol.</u> , 4(1), 166-172 (1984)			
W	X-23	Meier et al., <u>Biochem. & Biophys.Res.Comm.</u> , 118(1), 73-81 (1984)			
W	X-24	Nayak et al., pages 165-172 in <u>Modern Approaches To Vaccines</u> , Chanock et al., eds. Cold Spring Harbor Lab. (1984)			
W	X-25	Newman et al., <u>Nature</u> , 304, 643-645 (1983)			
W	X-26	Paabo et al., <u>Cell</u> , 35, 445-453 (1983)			
W	X-27	Pennica et al., <u>Nature</u> , 312, 724-729 (1984)			
W	X-28	Ramabhadran et al., <u>Proc.Natl.Acad.Sci.(USA)</u> , 81, 6701-6705 (1984)			
W	X-29	Rose et al., <u>Cell</u> , 30, 753-762 (1982)			
W	X-30	Roth et al., <u>Cell</u> , 33, 435-443 (1983)			
EXAMINER 		DATE CONSIDERED 11/27/88			
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

Sheet 3 of 3

Form PTO-1449 (REV. 7-88)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. D-8272	SERIAL NO. 113,179
LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)					
APPLICANT FU-KUEN LIN				FILING DATE October 23, 1987	GROUP 184
OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)					
					Sambrook et al., pages 225-246 in <u>Experimental Manipulation of</u>
	X-31				<u>Gene Expression</u> , Acad. Press. (1983)
	X-32				Scahill et al., <u>Proc.Natl.Acad.Sci.(USA)</u> , <u>80</u> , 4654-4658 (1983)
	X-33				Smith et al., <u>Proc.Natl.Acad.Sci.(USA)</u> , <u>80</u> , 7155-7159 (1983)
	X-34				Srinivas et al., <u>J.Biol.Chem.</u> , <u>258</u> , 14718-14724 (1983)
	X-35				Steck et al., <u>Transplantation Proceedings</u> , <u>16</u> , 355-360 (1984)
	X-36				Weissmann et al., <u>Phil.Trans.R.Soc.Lond.</u> , <u>B299</u> , 7-28 (1982)
	X-37				White et al., <u>Nature</u> , <u>300</u> , 658-659 (1982)
	X-38				Wiktor et al., <u>Proc.Natl.Acad.Sci.(USA)</u> , <u>81</u> , 7194-7198 (1984)
EXAMINER 		DATE CONSIDERED 11/29/87			
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 600; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					